

**Amendment**  
**REMARKS**

10/553,087

Claims 9-16 were pending in the application with claims 9-16 rejected for the reasons discussed below.

The Examiner rejected claims 10-16 under 35 USC 112, second paragraph, as being indefinite. Claims 10-16 have been canceled while the newly presented claims have been drafted in accordance with the Examiner's rejections.

The Examiner rejected claims 9-12 and 14 as being anticipated by Yanaka et al. (U.S. Patent No. 6,631,796), claim 16 was rejected as being non-patenatable over Yanaka et al., and claim 13 was rejected as being non-patentable over Yanaka et al. in view of Witzler et al. (U.S. Published App. 2004/0011610) It is submitted that the claims are patentable over the cited references for at least the following reasons.

Independent claim 17 is drawn to a method for operating an electromechanically operable parking brake for motor vehicles having an operating element (7), an electronic control unit (6) which receives wheel speed values from wheel speed sensors (12, 13), at least one unit (1) for generating a brake application force, and electromechanically lockable brake devices (4) on at least one axle, with said brake devices (4) being adapted to be applied by the unit (1). The method included detecting activation a parking brake by an operator, determining if the vehicle is moving from the wheel speed values, and operating the parking brake in a first operating mode when the vehicle is moving wherein the first operating mode is a dynamic mode or operating the parking brake in a second operation mode when the vehicle is not moving. The method also includes operating the driving the parking brake in the first operating mode when there are no wheel speed values detected. This method is advantageous because it prevents the vehicle from automatically switching into the second parking mode if there is a problem and no signals are detected from the wheel speed sensors.

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It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 17. For example, Yanaka et al. fails to disclose or suggest operating the parking brake when there are no signals detected from the wheel speed sensors.

Yanaka et al. discloses a parking brake system and method having an automatic mode and a manual mode. When the brake system is the automatic mode, the system uses signals from wheel speed sensors to detect if the car is moving and activates the parking brake when the car is stopped and the shift lever is placed into park or when the vehicle is stopped on a slope (col. 9, lines 48-55). However, Yanaka et al. does not disclose operating the parking brake in a static operating mode and a dynamic parking mode. Furthermore, Yanaka et al. fails to disclose or suggest operating the parking brake in the dynamic operating mode when *no* signals are detected from the speed wheel sensors.

Therefore, Yanaka et al. fails to teach or suggest the method of claim 17. For example, Yanaka does not teach or suggest a parking brake method that operates in a dynamic or static mode or that operates in the dynamic mode when no signals are received from the wheel speed sensors.

Witzler et al. discloses a system and method for an electronic parking brake that includes indicating the operator that the parking brake is activated. However, Witzler et al. fails to disclose or suggest operating the parking brake when there are no signals detected from the wheel speed sensors.

Therefore, Yanaka et al. in view of Witzler fails to teach or suggest the method of claim 17. For example, Yanaka in view of Witzler does not teach or suggest a parking brake method that operates in a dynamic or static mode or that operates in the dynamic mode when no signals are received from the wheel speed sensors.

The Applicants respectfully submit that claim 17 is patentable over the cited references. Claims 18-23 depend from claim 17 and therefore are submitted to be

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patentable over the prior art for at least the same reasons and for the further features recited therein.

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**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that claims 17-23 are in condition for allowance. Accordingly, early allowance of claims 17-23 is earnestly submitted.

If the Examiner believes that a conference would be of value in expediting the prosecution of the Application, the Examiner is hereby invited to contact the undersigned agent to set up such conference.

Applicants believe no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2570, under Order No. AP10670 from which the undersigned is authorized to draw.

Respectfully submitted,



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